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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,540	05/11/2005	Thomas Reiter	12400-036	6982
757 7590 05/01/2007 BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			EXAMINER ILAN, RUTH	
			ART UNIT 3616	PAPER NUMBER
			MAIL DATE 05/01/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/534,540

Applicant(s)

REITER ET AL.

Examiner

Ruth Ilan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 8 and 13 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 9-12 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

The preliminary amendment of May 11, 2005 is acknowledged.

#### ***Claim Objections***

1. Claims 2-14 are objected to because of the following informalities: The grammatical construction of the claims is awkward. The following changes are suggested:

In claim 2, line 2, "further comprising" should be changed to "wherein".

In claim 3, line 2, "further comprising in that the dividing wall" should be changed to "wherein a dividing wall" because in addition to being grammatically awkward, the dividing wall lacks antecedent basis.

In claim 4, line 2, "further comprising in that" should be changed to "wherein", and in line 4, "that" should be deleted.

In claim 5, line 2, "further comprising in that" should be changed to "wherein", and in line 4, "that" should be deleted. Additionally, in line 7, "running" should be changed to "runs".

In claim 6, line 2, "further comprising in that" should be changed to "wherein".

In claim 7, line 2, "further comprising in that" should be changed to "wherein".

In claim 8, line 2, "further comprising in that" should be changed to "wherein".

In claim 9, line 2, "further comprising in that" should be changed to "wherein".

In claim 10, line 2, "further comprising in that" should be changed to "wherein".

In claim 11, line 2, "further comprising in that" should be changed to "wherein".

In claim 12, line 2, "further comprising in that" should be changed to "wherein".

In claim 13, line 2 "further comprising in that" should be changed to "wherein".

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In claim 14, line 2, "further comprising in that" should be changed to "wherein".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 8, line 6, "the dividing walls" lacks antecedent basis. Additionally, in line 7, as amended, "adjacent to the" is now incomplete. Adjacent to what? Regarding claim 13, line 4, "the dividing wall" lacks antecedent basis.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Debler et al. (US 20030001366 A1) in view of Elliot et al. (US 2002/0160706 A1.) Debler et al. (Figure 19) teaches an airbag module and instrument panel assembly that has a ventilation outlet and a duct (34) attached thereto and arranged behind an instrument panel (14) and having a gas an airbag module that is fastened behind the instrument panel and having a gas generator (54) and a folded airbag (52). The airbag module is

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arranged adjacent the ventilation duct and unfolds into the duct and out of the ventilation opening. The ventilation opening is covered by a covering (60), but Debler et al. does not specifically disclose a grill. Elliot et al. teaches that it is known to provide a ventilation opening of an instrument panel with a grill (diffusion panel 4) which is used to diffuse the air moving through the aperture. It would have been obvious to one having ordinary skill in the art at the time of the invention to include a grill as the cover of Debler et al., in view of the teaching of Elliot et al., in order to provide a diffuse flow of gentle air to the windshield. Regarding claims 2 and 3, Debler et al. teaches a dividing wall (80) that moves into the duct and forms an escape channel (see Figure 20.) Regarding claim 4, the airbag module can fairly be termed to be arranged laterally, since it is on one side, and the wall swings about its corner point. Regarding claim 7, the embodiment shown in Figure 21 teaches a module arranged on a side of the

#### ***Allowable Subject Matter***

6. Claims 5, 6, 9-12, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 8 and 13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Charbonnel teaches an instrument panel and airbag arrangement

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of interest. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 571-272-6673.

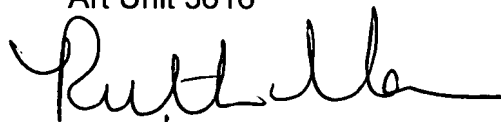
The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RI  
4/30/07

Ruth Ilan  
Primary Examiner  
Art Unit 3616

  
4/30/07